IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR.

S.B. CIVIL WRIT PETITION NO.4452/2005

Smt. Durga Kanwar

Versus

State of Rajasthan and ors.

Date of Order : 27.7.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr.Rajendra Kumar Sharma, for the petitioner.

...

Heard learned counsel for the petitioner at admission stage.

By the instant petition, the petitioner has challenged the validity of transfer order dated 11.7.2005 (Annex.-6), by which the petitioner was transferred from Bali to Kumbhalgarh on her own request.

The main contention of the learned counsel for the petitioner is that petitioner has been shown to be transferred on her own request, whereas no such request was made by the petitioner.

It has also been submitted by the petitioner that within a very short period

of her appointment, she was transferred vide order dated 20.5.2003 to Bali.

Against the order dated 20.5.2003, the petitioner preferred a writ petition before this Court, being S.B. Civil Writ Petition No. 2784/2003, which was disposed of, with a direction to submit a representation before the respondents.

But since the petitioner has already shifted at Bali and settled there, she did not submit any representation in pursuance of the direction given by this Court.

Now vide order dated 11.7.2005 (Annex.6) she has been subjected to transfer from Bali to Kumbhalgarh.

During the course of argument, it has been requested by the learned counsel for the petitioner that the competent authority be directed to consider the representation of the petitioner.

Since the request of the petitioner is only for consideration of her representation, the instant petition is disposed of at this stage, by giving a

direction to the Competent Authority to consider the representation of the petitioner, in accordance with law only.

Thus, this writ petition filed by the petitioner is disposed of in the manner that the petitioner is directed to file a fresh representation within a period of one week from today and the Competent Authority is directed to consider and decide the same either way in accordance with law within a period of 15 days from the date of receipt of the said representation.

If it is found that the petitioner is entitled for any relief in accordance with law, then the same may be given to the petitioner and if it is not found that she is not entitled to the relief sought for, then a reasoned and speaking order, strictly in accordance with law, may be passed.

Meanwhile, status quo as it exists today shall be maintained till the representation of the petitioner is decided.

(R.P.VYAS)J.

RM/